

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on March 13, 2009 at 3:00 P.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Kelly Gebhardt, Chairman (R)
Sen. Debby Barrett, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. Ken (Kim) Hansen (D)
Sen. Gary L. Perry (R)
Sen. Jim Peterson (R)
Sen. Donald J. Steinbeisser (R)

Members Excused:

Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Absent: None

Staff Present: Lindsey Hern, Committee Secretary
Sonja Nowakowski, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 402, 3/9/2009; SB 502, 3/9/2009

Executive Action: HB 402; HB 78

HEARING ON HB 402

Opening Statement by Sponsor:

00:01:01 Rep. Julie French (D), HD 36, opened the hearing on HB 402, Revise laws relating to land banking.

00:02:21 Sen. Tropila came to the committee.

Proponents' Testimony:

00:08:22 Jeanne Holman, Department of Natural Resources and Conservation (DNRC)

[EXHIBIT\(nas56a01\)](#)

[EXHIBIT\(nas56a02\)](#)

00:13:17 Tim Davis, Montana Smart Growth Coalition (MSGC)

00:14:01 Ariel Overstreet, Montana Stockgrowers Association

00:15:30 Harold Blattie, Montana Association of Counties (MACo)

00:17:18 Jason Todhunter, Montana Logging Association (MLA)

00:18:27 Casey Perkins, Montana Audubon

00:18:53 Canon Luerkens, On behalf of the Secretary of State

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:19:33 Sen. Hansen

00:20:07 Ms. Holman, DNRC

00:20:56 Sen. Hansen

00:21:05 Ms. Holman, DNRC

00:21:22 Sen. Barrett

00:21:46 Ms. Holman, DNRC

00:22:07 Sen. Barrett

00:22:31 Tom Schultz, DNRC

00:23:02 Sen. Barrett

00:23:16 Mr. Schultz, DNRC

00:23:53 Sen. Perry

00:24:15 Ms. Perkins, Montana Audubon

00:25:09 Sen. Curtiss

00:25:52 Ms. Holman, DNRC

00:26:30 Ms. Curtiss

00:26:40 Ms. Holman, DNRC

00:26:56 Sen. Peterson
00:27:24 Ms. Holman, DNRC
00:28:00 Sen. Peterson
00:28:15 Ms. Holman, DNRC
00:29:05 Sen. Barrett
00:29:35 Sen. Perry

Closing by Sponsor:

00:29:54 Rep. French

Additional Discussion:

00:32:16 Sen. Curtiss
00:32:29 Sen. Barrett
00:32:34 Chairman Gebhardt
00:32:36 Sen. Barrett
00:32:55 Mr. Schultz, DNRC
00:33:12 Chairman Gebhardt

EXECUTIVE ACTION ON HB 402

Sen. Hansen and Sen. Perry left the committee before Executive Action took place.

00:34:00 **Motion/Vote:** Sen. Steinbeisser moved that **HB 402 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Keane, Sen. Hansen, Sen. Kaufmann, Sen. Perry and Sen. Wanzenried voted by proxy. Senator Gebhardt will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 78

00:37:13 **Motion/Vote:** Sen. Peterson moved that **HB 78 BE CONCURRED IN**. Motion carried 6-5 by roll call vote with Sen. Keane, Sen. Tropila, Sen. Hansen, Sen. Kaufmann and Sen. Wanzenried voted no. Sen. Keane, Sen. Hansen, Sen. Perry, Sen. Kaufmann and Sen. Wanzenried voted by proxy. Sen. Hinkle will carry the bill in the Senate.

00:38:35 Chairman Gebhardt asked that the vote be left open.
00:38:44 Sen. Peterson
00:39:14 Chairman Gebhardt

00:39:38 Recess

01:01:00 Vice Chair Barrett took the position of Chair.
01:01:03 Sen. Perry came to the committee.

HEARING ON SB 502

Opening Statement by Sponsor:

01:01:29 Sen. Jim Keane (D), SD 38, opened the hearing on SB 502, Environmental impact ombudsman. Sen. Gebhardt, with permission from Sen. Keane, opened and presented SB 502 on Sen. Keane's behalf.

EXHIBIT (nas56a03)

Proponents' Testimony:

01:02:14 Debbie Shea, Montana Mining Association (MMA)
01:06:29 John Schaeffer, Environmental and Land Manager, Montana Tunnels
01:11:18 Sen. Wanzienried came to the committee.
01:14:18 Sen. Kaufmann came to the committee.
01:21:07 Tom Lythgoe, Jefferson County Commissioner
01:27:56 Leo Barry, Montana Mining Association (MMA)
01:28:42 Sen. Keane came to the committee and resumed the position of presenting as sponsor.
01:31:40 Sen. Gebhardt left the committee.

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:33:31 Sen. Perry
01:34:10 Ms. Shea, MMA
01:34:49 Sen. Perry
01:35:09 Ms. Shea, MMA
01:35:20 Sen. Perry
01:35:23 Ms. Shea, MMA
01:36:16 Chairwoman Barrett
01:36:34 Ms. Shea, MMA
01:36:46 Chairwoman Barrett
01:36:49 Ms. Shea, MMA
01:37:34 Chairwoman Barrett
01:37:55 Mr. Barry, MMA
01:38:58 Chairwoman Barrett
01:39:18 Mr. Barry, MMA
01:39:45 Chairwoman Barrett
01:40:00 Mr. Barry, MMA

01:40:13 Sen. Curtiss
01:41:01 Mr. Barry, MMA
01:43:15 Chairwoman Barrett
01:43:58 Mr. Schafer, Environmental and Land Manager, Montana
Tunnels
01:44:28 Chairwoman Barrett
01:44:38 Sen. Tropila
01:45:30 Mr. Barry, MMA
01:46:18 Sen. Tropila
01:46:45 Sen. Keane

01:47:48 Chairwoman Barrett stated, for the record, that the
committee had written permission from the sponsor, Sen.
Keane, for Sen. Gebhardt to open on his behalf.

Closing by Sponsor:

01:48:04 Sen. Keane

EXHIBIT (nas56a04)

01:49:55 Chairwoman Barrett asked if there were any changes to
the HB 78 votes. Sen. Tropila, Sen. Hansen and Sen.
Keane changed their votes to yes. Final vote for **HB 78**
BE CONCURRED IN is changed to 9-2 with Sen. Kaufmann
and Sen. Wanzenried voting no.

ADJOURNMENT

Adjournment: 5:00 P.M.

Lindsey Hern, Secretary

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Additional Documents:

EXHIBIT ([nas56aad.pdf](#))